

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TENTH STREET BUILDING
CORPORATION,

Plaintiff

vs.

BP PRODUCTS NORTH AMERICA,
INC. f/k/a and successor to BP OIL
COMPANY f/k/a and successor to
BORON OIL COMPANY and DONALD
TRAPP,

Defendants

) Docket No. 03-359
) (Judge Maurice B. Cohill, Jr.)
)
) ELECTRONICALLY FILED PLEADING
)
) JOINT MOTION TO LIFT STAY
)
) Filed on behalf of: Plaintiff, Tenth Street
) Building Corporation and Defendant, BP Oil
) Company
)
) Counsel of record for these parties:
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JOINT MOTION TO LIFT STAY

Plaintiff, Tenth Street Building Corporation, and defendant, BP Oil Company, through their undersigned counsel, hereby move to lift the stay of this case entered by the Court on February 28, 2005, and state in support as follows:

1. Plaintiff, Tenth Street Building Corporation, commenced this action against the defendants to recover damages under the Resource Conservation Recovery Act, 42 U.S.C. §§6901 *et seq.*, and state law.
2. At the same time, plaintiff has pursued recovery under a program and fund created under Pennsylvania state law regarding releases of regulated substances from underground storage tanks.
3. The parties believed that the outcome of plaintiff's claim against this fund might facilitate settlement in this case.
4. To date, plaintiff has not received a final determination of its claim against the state fund.
5. The parties previously entered into stipulations staying this action pending potential settlement discussions. On February 28, 2005, the Court further stayed the proceeding pending settlement negotiations.
6. Having been unable to conclude a settlement, plaintiff and BP agree that the stay should be lifted and that the case should proceed to resolution.
7. Plaintiff has stipulated to an extension of time for defendants to file their Answers until September 26, 2005.

WHEREFORE, plaintiff, Tenth Street Building Corporation, and defendant, BP Products North America, Inc., respectfully requests that the Court enter an Order lifting the stay

of this action and confirming the extension of time for defendants to file Answers to the complaint on or before September 26, 2005.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
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